

(As of February 20, 2001)

**Section 6-1514. Zoning Ordinances --**

The council shall, after public hearings,<sup>24</sup> enact zoning ordinances which shall contain the necessary provisions to carry out the purpose of the general plan and development plans. For purposes of this charter, the term "zoning ordinances" shall refer both to a codification of the standards listed below and/or described in state law and to ordinances designating and redesignating particular parcels of property in terms of that codification.

In enacting the ordinances, the council shall take into consideration the character of the several parts of the city and their peculiar suitability for particular uses and types of development with a view to encouraging the most appropriate use of land throughout the city.<sup>25</sup> The ordinances shall contain reasonable standards with respect to the location, bulk, size and permitted densities of buildings and other structures, the area of yards and other open spaces, off-street parking and loading spaces, and the use of buildings and lots. *(1992 General Election Charter Amendment Question No. 5; 1998 General Election Charter Amendment Question No. 1(III))*

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<sup>24</sup>The Charter contemplates and authorizes changes in a proposed ordinance amendment between the original proposal as presented at the public hearing and as finally adopted. To require another hearing whenever there is any revision of the text after full hearing is too formidable a burden. However, an amendment to a zoning ordinance will be held invalid where, as finally adopted, it contains alterations so substantially different from changes proposed in notice as to amount to a new proposal. Carlsmith, Carlsmith, Wichman and Case v. CPB Properties, Inc., 64 Haw. 584, 645 P.2d 873 (1982).

<sup>25</sup>Interim development control ordinance is not a zoning ordinance, but a moratorium on the issuance of building permits. Life of the Land, Inc. v. City Council of the City and County of Honolulu, 61 Haw. 390, 606 P.2d 866 (1980).